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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 6772**
Shozo OGURI et al. : Docket No. 2001-0046A
Serial No. 09/764,318 : Group Art Unit 3723
Filed January 19, 2001 : Examiner Berry, Willie W., Jr
POLISHING APPARATUS :

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

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It hereby is petitioned that the holding of abandonment in the above-identified application be withdrawn.

The facts necessitating this petition are as follows:

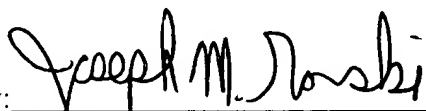
1. On May 2, 2003 Group Art Unit 3723 issued a Non-Final Office Action in the above application, setting a three month shortened statutory period for response;
2. On July 29, 2003, i.e. within the shortened statutory period for response, Applicant filed a response to the Office Action of May 2, 2003.
3. In support of the fact of filing such July 29, 2003 response, enclosed is a copy of the postcard date stamped received from the Patent and Trademark Office indicating that the Response was received.
4. On November 19, 2003 Group Art Unit 3723 issued a Form PTO-1432 "Notice of Abandonment" expressing that the above-identified application is abandoned since the reply received on July 30, 2003, does not constitute a proper reply to the Office Action of May 2, 2003.
5. The paper filed on July 30, 2003, is an Information Disclosure Statement which is in addition to the Response filed July 29, 2003.

As is apparent from the above, the holding of abandonment of this application is incorrect. Thus, there is no abandonment in fact in this application, since the response to the May 2, 2003 Office Action was timely filed on July 29, 2003.

In view of the above, it is requested that the holding of abandonment be withdrawn.

Respectfully submitted,

Shozo OGURI et al.

By: 

Joseph M. Gorski
Registration No. 46,500
Attorney for Applicants

JMG/gtg
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
November 28, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/764,318

01/19/2001

Shozo Oguri

2001-0046A

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7590

11/19/2003

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021



EXAMINER

THOMAS, DAVID B

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 11/19/2003

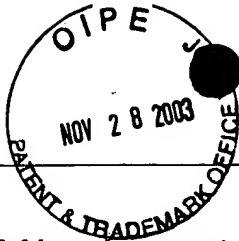
Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment

Application No.

09/764,318

Examiner

David B. Thomas

Applicant(s)

OGURI ET AL.

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 May 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☒ A reply was received on 30 July 2003 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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David B. Thomas
Patent Examiner
Art Unit: 3723

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



ATTY DOCKET #: 2001_0046A

Confirmation No. 6772

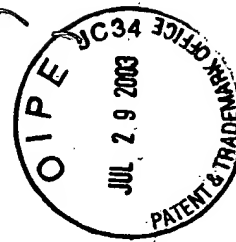
OUR REF: 2001_0046A/JMG/01213

Applicant: Shozo OGURI et al.

Serial No.: 09/764,318 Filing Date: January 19, 2001

Title: POLISHING APPARATUS

Due Date: August 2, 2003



Receipt of the following papers is acknowledged:

1. Amendment
2. Submission of Formal Drawings (Fig. 1, 1 sheet, A4 paper)

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Date: July 29, 2003

Attorney: JMG/edg

[Check No. _____]

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